DOCUMENT RESUME

ED 393 783 SO 026 241

TITLE	The Drug Question: The Constitution and Public Policy. Teacher's Guide.
INSTITUTION	Constitutional Rights Foundation, Chicago, IL.; Constitutional Rights Foundation, Los Angeles, Calif.
SPONS AGENCY	Office of Juvenile Justice and Delinquent Prevention (Dept. of Justice), Washington, D.C.
PUB DATE	90
CONTRACT	85-JS-CX-0007
NOTE	17p.; For related student text, see ED 364 462.
AVAILABLE FROM	Constitutional Rights Foundation, 601 South Kingsley Drive, Los Angeles, CA 90005.
PUB TYPE	Guides - Classroom Use - Teaching Guides (For Teacher) (052)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Civics; *Civil Liberties; *Constitutional Law; *Drug Abuse; Elementary Secondary Education; Government Role; Illegal Drug Use; Instructional Materials; Law Enforcement; *Law Related Education; Learning Activities; *Public Policy; Social Problems; Social Studies; *Teaching Methods
IDENTIFIERS	Constitutional Rights Foundation; Fourth Amendment; *United States Constitution

ABSTRACT

This teacher's guide complements the student text's presentation of lesson plans on the subject of illegal drug use. The booklet begins with an explanation of the benefits of law-related education (LRE) for democratic education. The guide then outlines suggestions for handling controversy; directing discussion; organizing cooperative and small group learning; infusing simulations and role-playing into the curriculum; and utilizing resource experts in the classroom. Each unit includes specific purposes, objectives, time requirements, resources, and procedures for each of the six lesson plans. Each lesson plan includes readings, discussion questions, and other activities teachers can use to help students understand the problems and legal issues surrounding drug abuse and the government's role in seeking solutions. Units include: (1) "Problems and Proposals"; (2) "Views You Can Use: Assessing Public Opinion"; (3) "The Fourth Amendment and the Exclusionary Rule"; (4) "Drugs and the Courts: Applying the Exclusionary Rule"; (5) "The State Legislative Process: Formalizing Policy through Law"; and (6) "Making Public Policy Work: The Community and the Individual." (LH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 393 783

THE DRUG QUESTION

The Constitution and Public Policy

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
X This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
M. Croddy
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

CRF
CONSTITUTIONAL RIGHTS FOUNDATION

TEACHER'S GUIDE

SO 026 241

BEST COPY AVAILABLE

Published By **Constitutional Rights Foundation**

Los Angeles
Harry Usher, President,
Board of Directors
Jerome C. Byrne, Chairman,
Publications Committee
Todd Clark, Executive Director

Chicago
Toussaint L. Hale, Chairman,
Board of Directors
Carolyn Pereira, Executive Director

Contributing Writers
Stacy Armonda
Marshall Croddy
Diana Hess
Rebecca Novelli
Carolyn Pereira

Content Design and Editing
Marshall Croddy

Editorial Coordinator
Tina Esposito

Production Coordinator/Design
Lanning Gold

The Constitutional Rights Foundation would like to thank the teachers and students in 21 states who participated in a field test of the first draft of the lessons in this book during the 1988-89 school year. Their comments improved the overall quality of the lessons and were greatly appreciated.

Judge Stephen Schiller of the Circuit Court of Cook County, Illinois, assisted in the revision of the Fourth Amendment lessons and Nick Panagakis, a political pollster and President of Market Shares Corporation, worked on the political polling lesson. We are grateful to both of them for their help.

Thanks also goes to staff members Leesa Vincent and Suzan Sherburn for their assistance in the final review of this book and Warren Rosenblum, Gary Coleman and Euclid Bautista for research and computer assistance.

All rights reserved. Except for use in a review, reproduction, or transmittal of this work in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, and use of this work in any form in any information storage and retrieval system is forbidden without prior written permission of the publisher.

Prepared under Grant#85-JS-CX-0007 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

Points of view opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Copyright © 1990:
Constitutional Rights Foundation, Los Angeles and Constitutional Rights Foundation, Chicago

Introduction

Democratic Education

A nation which draws its authority from the will of the people must make certain its people can identify and articulate their will. If democracy is to work, voters must comprehend sophisticated and controversial issues such as those relating to drugs, make informed decisions, and accept the complex responsibility of social and political participation. These are learned behaviors. Only an educated electorate makes wise decisions. Democracy thrives on education and participation.

American educators expend much skill and imagination experimenting with effective education for citizenship. One of the most promising avenues is law-related education (LRE), a special combination of subject matter and instructional methodology. Information about the law and legal institutions is essential for citizens. In addition, LRE uses the legal system as a model to demystify other democratic institutions. Its instructional methodology stimulates involvement by modeling participatory behavior. Formal evaluations conclude that LRE programs, when properly implemented, statistically reduce delinquency. Thousands of teachers who use LRE report increases in student motivation, learning and enthusiasm.

The advantages of LRE are obvious, but we do not educate in a perfect world. Implementing an LRE program often means a commitment to the time and expense of teacher inservice. Extra courses must be squeezed into an already overcrowded curriculum. These are difficult requirements at a time when budget cutbacks and rigid graduation requirements force the limitation of enrichment programs and the laudable demand for basic proficiencies causes continual reassessment of priorities.

Yet, civic participation is a basic proficiency. The three R's are not sufficient preparation for a democratic people. We must find a place in our curriculum to teach participation skills. Our law-related program meets this challenge.

This Booklet

This drug education curriculum is for infusion into existing courses. It can be used to enhance course on government, the Constitution, civics and other social studies classes. Educators can easily tailor this program to the needs of individual classes. This allows educators to utilize the law-related program without developing separate courses. Students can more easily integrate what they learn with the rest of their schooling.

Law-Related Education

LRE focuses on specific content, skills and attitudes. LRE provides students with information about:

- The component parts of legal systems;
- The sources of law and authority;
- The functions or purposes of law;
- Major legal and legislative process and roles; and
- The basic principles supporting legal systems.

Effective LRE explores the interrelationship of these five elements.

In addition, LRE gives students consistent practice in the skills needed for:

- **Critical thinking**. Students learn to define problems and questions, gather and assess information, identify and weigh options and implement decisions.
- **Conflict management**. Students learn to identify causes of conflict, assess positions, and negotiate solutions.
- **Effective participation**. Students learn to work cooperatively in groups, form coalitions, persuade, bargain and persevere.

Lastly, LRE helps students to develop:

- A commitment to the peaceful resolution of conflict;
- A respect for the rights of others and self-respect;
- An active image of the responsibilities of citizens;

- An appreciation of individuality, community and diversity; and
- A mature and balanced attitude toward authority.

Classroom Strategies

Law-related education materials stimulate the active involvement of students by using methodologies which stress participation. Activities you will encounter include:

Handling Controversy. Controversy is part of the nature of our democratic system. This is particularly true when discussing issues of public policy and drugs. As such, some of the hypotheticals in these materials are inherently controversial. They were developed to serve two purposes: 1) To provide a realistic context for the discussion of public policy formulation; and 2) To generate critical-thinking, debate, and analysis on the part of students.

If controversy becomes apparent in your classroom, clarify the nature of the disagreement.

- Identify the issue or issues under dispute.
- Identify areas of agreement and disagreement.
- Identify underlying assumptions.
- Make sure students concretely define terms and avoid slogans.

The process of definition may bring the subject to closure. If not, use an appropriate strategy for addressing the controversy such as a discussion, research, formal debate, an anonymous writing assignment, private or public mediation, or a forced perspective activity in which students must argue an issue from the "other" side. Note that some of these activities can be prepared or completed outside of class without serious disruption of your schedule.

Whatever strategy you use, be sure students follow certain ground rules.

- They must argue ideas, not personalities.
- They must represent the opposing position(s) fairly and accurately.
- They should demonstrate an attempt to understand the opposing perspectives(s).
- They should admit doubts and weaknesses in their own position.
- Above all, the argument should concentrate on evidence.

Students should look for a chance to air their own views, hear their opponents' views and examine both. Be sure students understand that closure of a controversy does not mean one side wins.

Directed Discussion

When a question asks for personal opinion, encourage students to:

- Clearly state their opinion.
- Support it with facts, logical arguments and/or references to parallel situations and circumstances.
- Clearly define the terms they use.

This will give students practice in forming opinions which can be communicated. It will also develop criteria by which students can judge the opinions of others.

Cooperative and Small Group Learning

Cooperative learning and small group work give students practice in communication, cooperation, persuasion, bargaining and compromise. To maximize student participation in these activities:

- Construct groups to include a heterogenous mix of students. Consider academic and verbal skills, gender, ethnic and affective factors.
- Give students a specific objective. Then give clear instructions for meeting that objective.
- Limit your instructions to the task at hand. If students are unfamiliar with small group work, divide the activity into several segments, each with its own objective. Give groups instructions for completing the first task. When that objective has been accomplished, proceed to the second task and so forth.
- Check student comprehension of instructions and goals before each segment of the activity.
- Circulate to monitor each group's progress throughout the activity.
- Divide student tasks so that each individual must accomplish his or her task for the group to be successful in its final product. This provides individual motivation and promotes positive peer pressure.
- Encourage students to help one another in accomplishing individual tasks. Provide positive reinforcement for group ac-

complishments, not those of any one member.

- Hold all students accountable for their groups' decisions and actions and reporting to the class. If a student disagrees with a group decision, point out constructive ways he or she could and should have altered it.

Simulations and Role-Playing

Many LRE lessons focus on the processes by which laws are applied and legal decisions are made. Often, the most effective method of teaching about these processes is to simulate them, thus forcing students to take a perspective on the process they are experiencing.

Although the lesson simulations may vary, a few general rules should be observed:

- Be sure students clearly understand their instructions and roles before beginning the activity.
- If you have no assigned role, monitor student participation.
- Debriefing is the most important element of simulations. The debriefing questions identified in the materials are meant to explore the lesson's content and further the lesson's goals. Give your students an opportunity to raise and discuss additional questions generated by the simulation. Debriefing is also an excellent time to address the issue of non-participation.

Resource Experts

Classroom visits from informed professionals can be a valuable teaching tool. Resource experts serve as role models and make community institutions more familiar.

Identifying experts and arranging visits is not difficult. The public information offices of local or state law enforcement agencies, the courts and bar associations are all good sources for contacting people from the justice system. The Chamber of Commerce, the Better Business Bureau, professional organizations and unions can connect you with speakers from business, industry, and labor. Politicians' constituent service offices can identify appropriate speakers from government institutions. Finally, use the faculty of your local college or university.

When you contact an appropriate individual to make arrangements, be sure to:

- Explain the purpose of the visit. Briefly describe your objectives for the guest's presentation.
- Place the visit in context. Explain the class' current field of study, your planned follow-up activities, etc.
- Describe the audience. Tell the speaker how many students will be present and briefly characterize their age, interests, and achievement levels.
- Specify the scope of the presentation, both in time and content. Be sure this reflects the grade level, maturity, and attention span of your class.
- Request specific dates and times. Suggest two or three alternatives from which your guest can choose. (Many speakers require at least three weeks' notice.)
- Be sure the visitor has the correct address, appropriate directions, and knows where to park.

After arranging the visit, confirm it with the principal and other appropriate personnel. It is probably wise to get final confirmation from the resource expert a few days before the presentation.

To make the visit most effective:

- Prepare the class. Discuss the purpose of the visit and provide basic information about the speaker. Having the class compile a list of questions to ask the expert is a useful activity.
- Remember that resource experts are not trained teachers. During the presentation, you will need to direct both the speaker and the class with appropriate questions and other clues.
- Allow sufficient time at the close of the class for a summary of the presentation and a thank-you to the guest. Thank-you letters give speakers a particular satisfaction and students a good language arts experience.
- In addition to the debriefing questions in the following materials, ask students to comment on what they learned from the experience and how it influenced their views about the speaker's profession or topic. Encourage their constructive suggestions for improving such experiences.

UNIT I

PROBLEMS AND PROPOSALS

Purpose:

The purpose of this multi-part lesson is to provide students with information about a range of problems relating to drug and alcohol abuse in the United States and an opportunity to work cooperatively to evaluate given policy proposals utilizing an analytical framework. First, working in groups students read and summarize problem statements detailing drug-related issues in the areas of criminal justice, the workplace, schools, health services and international relations. Then, taking the role of television commentators, students analyze a proposal for addressing the issue and make and support recommendations concerning its adoption. Finally, working individually students write brief essays stating and supporting their opinions on the proposals.

Objectives:

As a result of this lesson, students will be able to:

1. Define and give examples of policy;
2. Describe the executive, legislative and judicial roles in policy making and implementation;
3. Describe how the criminal justice system, workplace, schools, health services and international affairs are impacted by drug and alcohol problems;
4. Working cooperatively, evaluate a given proposed policy using an analytical framework; and
5. Formulate and support an opinion on the strengths and weaknesses of a given drug and alcohol policy.

Time Needed:

Three class periods if the readings are completed during class time; two class periods if the readings are assigned as homework.

Resources:

One copy of student text for each class member.
Video tape equipment (Optional)

Procedures:

1. Preparation: In advance of the lesson delivery, have the class read the introductory reading in the student text entitled, **Drug Policy, the Constitution and You** and lead a brief discussion using the questions provided. Make sure that students understand the nature of public policy, the role of governmental policy and lawmakers, and the importance of citizen involvement.

Then, divide the class into heterogenous groups of 5-6 students each. Assign each of the groups one of the student reading sections contained in the student text:

- Drugs and Health Care;
- Drugs and the Workplace;
- Youth, Drugs and Schools;
- Drugs, Crime and Enforcement; or
- Drugs and the International Connection.

Explain that each student is responsible for 1) reading the assigned section; 2) answering the questions which follow it; and 3) preparing a one paragraph summary of the material to share with the group. Working together, students are responsible for developing a group summary based on the individual summaries. Also mention that any one of the group members might be called upon to present the summary for the rest of the class.

If the assignment is given as homework, begin the next class session by having students join their groups to share their summaries and prepare a group version. If the reading is done during class, give students a reasonable time to complete their individual reading and then intervene to start them on the group task. Conduct the summary reports near the end of the class period.

2. Student Summary Reports: Call on one member from each group to give a summary of the information contained in the reading. Encourage all students to pay close attention to the reports and take notes. Make sure that at least one sum-

mary is given for each reading. Encourage students to ask clarifying questions.

3. Citizen Forum Activity: Refer students to the instruction sheet entitled "Citizen Rap--Live" in the student text. Explain that students will continue working in their assigned groups to complete the activity. Have students read and then carefully review the instructions and answer any questions they have about completing the assignment.

Refer students to "Policy Proposals" in the student text and make sure each group is working on the correct proposal. (At this point, the teacher might take the role of the show producer and monitor the progress of the various groups as they complete their assignments and prepare for role play.)

Options: The teacher has several options for conducting the activity. The room can be arranged to simulate a television studio by placing a table in front and having each cast take places in front. Various embellishments can be added including having the rest of the class take the role of a live studio audience. In this case, consider setting up a podium for audience questions or comments. Also, if you decide to video tape the performances, a location for a stationary camera should be selected.

To save time, student groups can be arranged in areas around the classroom by placing desks side by side. In this version, the teacher (producer) stands in the middle and cues the cast in order of presentation.

4. Debriefing Discussion: When all of the groups have completed their presentations, conclude the activity by asking the following questions:

- Which of the recommendations do you agree with? Why? Which of the recommendations do you disagree with? Why?
- As a cast member, did the questions presented help you think about the issues? By going through the activity, did you change your thinking about the issue? How so?
- What are the strengths of the show's format? What are its weaknesses?
- What was the most rewarding part of taking the role of television commentators? What was the most difficult? Why?
- What current television shows provide a format to discuss issues? Are they effective? Why or why not?
- If "Citizen Rap--Live" were a real show, do you think it would help people be better informed about public policy? Why or why not?
- Do you think policy makers such as executive leaders or legislators would watch such a show? Should they? Would it be helpful to them?

5. Viewer Mail Writing Activity: As a final homework activity, ask students to take the role of viewers of "Citizen Rap--Live" and write a three paragraph letter to one of the cast groups they did not participate on. The letter should give the viewer's opinion about the recommendation of the group supported by at least two reasons.

Distribute the letters to the appropriate groups for review and comment. In a discussion, each cast can be asked whether or not the viewer mail would prompt them to change their recommendations or presentations.

UNIT II

VIEWS YOU CAN USE: ASSESSING PUBLIC OPINION

Purpose:

This lesson provides students with an opportunity to learn about opinion polling and assess how their community feels about the proposals discussed in Unit One by conducting an opinion poll and evaluating the results.

Objectives:

As a result of this lesson, students will:

1.Be able to explain how public opinion polls can measure the attitudes of the public about a specific problem.

2.Interview members of the community to assess their views on the proposals and compare those opinions to relate to what their class thought about the proposals.

Time Needed:

One to two class periods.

Resources:

One copy of reading material and questionnaires for each student.

Resource person: a local political science professor, journalist or political pollster with knowledge of opinion polling and its impact on public policy, who could discuss polling in general, and the results of this student-given poll in particular.

Procedures:

1. Background Readings and Discussion: Instruct the students to read "Public Policy and Public Opinion" and hold a class discussion using the questions provided. Then, distribute the questionnaire to the students, pointing out that most of the items are directly linked to the proposals they discussed in Unit One.

2. Preparation for Polling: Describe a process to determine who the class should poll. Refer students to "Assessing Public Opinion" and cover the following major points:

•Describe the impossibility of all the members in the community completing the survey. Ask the students to decide what their collective sample should be.

• Discuss the general rule of polling: every person in the "universe" they're seeking to assess should have an equal chance of being polled. For example, if their "universe" is the school, grades 9-12, the poll should not just be given in senior homerooms.

• Point out that the number of students sampled in different grades should be proportional to their size in the "universe." For example, if the class will have 150 students fill out the questionnaire, and 30% of the students in the school are juniors, then roughly 45 (30% of 150) of those questioned should be juniors.

•Review the "Tips for Polling" listed on the student handout and, if time allows, have the students role play to get practice before they ask people to fill out the questionnaire.

3. Conducting the Poll: Instruct students to give the poll to the selected sample. Based on the sample, each student should be given a specific number of subjects to poll. For instance, using the example from above, assuming a target of 150 subjects and a class size of 30, each student should poll 5 students. Polling could be conducted during lunch, after school, during a weekend or between class periods. Instruct students to complete their polling by the next class session.

4. Tallying the Poll Results: A fast method for tallying is to reassemble the class in their assigned groups from Unit One. Have each group tally its questionnaires. Then average the group tallies for the class as a whole. Summarize the open-ended question in the same fashion.

5. Debriefing the Poll Results: While students remain in their policy groups, ask:

• Do the poll results support or oppose the recommendations of your group? How so?

• After considering the poll results, would you change your recommendations? Why or why not?

• Do you think the poll results may have changed if those polled went through the same analysis that you did? Why or why not?

UNIT III

THE FOURTH AMENDMENT AND THE EXCLUSIONARY RULE

Purpose:

This two-part lesson on the exclusionary rule is designed to expand students' knowledge about the role the judiciary plays in establishing policy in the area of the administration of criminal justice. By focusing on the exclusionary rule, students will explore the tension between society's interest in prosecuting drug offenders and due process considerations. The material will also help prepare students to deal with the following lesson's moot court simulation. The first section provides a general overview of the Fourth Amendment; the second section provides more specific background information on the evolution, purposes and debate over the exclusionary rule.

Objectives:

As a result of this lesson, students will be able to:

1. Define the legal meaning of "search" and "seizure."
2. Describe the essential components of a legal search warrant and apply those components to a hypothetical warrant.
3. Explain what the exclusionary rule is and describe its historic development.
4. List and explain two arguments in support of, and two arguments against, the exclusionary rule.

Time Needed:

If students do the reading outside of class, the warrant activity and explanation/discussion of the development of the exclusionary rule should take 1 1/2-2 class periods.

Resources:

One copy of reading material for each student.

One copy of hypothetical warrant for each student.

Procedures:

1. Preparation: Assign student reading material for homework the night before the discussion. If you are going to split the Unit into two separate sections (i.e. Fourth Amendment search and seizure including the warrant activity and development of the exclusionary rule) have the students pay particular attention to defining the legal meaning of search and seizure in preparation for the first section. If you're not going to split the Unit, have the students also answer question #1 at the end of the student materials.

List the objectives for the day on the board.

2. Directed Discussion: Discuss the rationale and content of the Fourth Amendment. An analysis of the quote and a reference to pre-revolutionary times can be used to help students understand the need for the Fourth Amendment. After analyzing the specific language in the amendment, ask students to recall from their reading the legal meaning of the terms "search" and "seizure." Point out that, in general, the warrant requirement is the enforcement mechanism for ensuring that searches and seizures are reasonable and that Amendment includes a number of specific components for a warrant. Ask students to analyze the language of the Fourth Amendment and identify the components in preparation for the hypothetical warrant exercise.

3. Group Activity: Direct students' attention to the hypothetical warrant and then divide the class into small heterogeneous groups of 3-4 students each. Instruct each group to read the warrant and develop a list of what is wrong with it based on the previously discussed components of a legal and proper warrant. To promote cooperative learning, students should be told that each member of the group must be able to identify and explain the errors in the warrant. After the groups have completed their lists, one student from each group should report to the class. A police officer, criminal lawyer, magistrate or judge could be an effective resource person at this stage in the lesson. The resource person should react to the groups' lists and add additional detail about the essential components of legal search warrants.

4. Reading and Discussion: Have students read "Exceptions to the Warrant Requirement." Point out the court-recognized exceptions. The following acronym provides a method for organizing and remembering the exceptions. If you are using a resource person, ask him or her to review the exceptions and describe each of them:

S--Stop 'N Frisk

E--Emergencies

A--Arrests, abandoned property, airline or border searches

R--Right in PLAIN VIEW

C--Cars, consent

H--Hot Pursuit

5. Reading and Discussion: Have students read "Exceptions to the Warrant Requirement." Review the student reading on the development of the exclusionary rule and conduct a discussion using the questions provided. Mastery of this section is important in being able to do Unit Four.

UNIT IV

DRUGS AND THE COURTS: APPLYING THE EXCLUSIONARY RULE

Purpose:

In this simulated Supreme Court hearing students are asked to carefully consider the facts of California v. Greenwood, a case heard by the United States Supreme Court in 1988. Students will take the roles of Supreme Court justices and attorneys to gain an understanding of how appellate courts operate. In addition, they will write a short position paper which will be critiqued by their peers.

Objectives:

As a result of this lesson, students will:

1. Identify the relevant facts in the Green wood case.
2. Take a position on the issue in the Greenwood case.
3. Support that position with:
   - two facts.
   - one previous court decision.
   - an argument for fairness.
   - an argument to illustrate the benefit to society.

Time Needed:

Two to three class periods.

Resources:

Student materials for the entire class.

An attorney resource person is highly recommended for this lesson. On Day One, the attorney can help students prepare for the moot court, on Day Two or Three the attorney can debrief the moot court. Attorney(s) should receive a copy of the lesson in advance. A police officer could be included after the activity to discuss the effect of the Greenwood case and of more recent cases allowing exceptions to the exclusionary rule in criminal investigations.

Procedures:

1. Preparation: Assign student reading material for homework the night before the discussion. List the objectives for the 2-3 days on the board for the class.

2. Reading and Discussion: Have students read "The Case of Billy Greenwood" and check students' understanding of the case. Who is Greenwood? What are the charges against him? What was the evidence against Greenwood and what was controversial about the evidence? On what grounds was Greenwood's case appealed? When the Supreme Court heard this case, what question were the justices considering? (Answer: Were Greenwood's constitutional rights to freedom from unreasonable search and seizure violated by a warrantless search of his trash on several occasions?)

3. Pre-poll: Take a poll to discover how students would rule on the Greenwood case before the simulation and record the results on the board.

4. Simulation Set-Up: Indicate to the students that they are about to prepare for a moot court simulation of this case. Assign 4-6 students to act as attorneys for the Petitioners (the State of California), 4-6 students to act as attorneys for the Respondent (Greenwood), and the rest of the class to serve in groups of 4-6 justices. The groups should be heterogeneous.

Review the roles and procedures as outlined in "A Case in Point: You Decide" and in "Attorneys' and Justices' Instructions." Give students the remainder of the period to prepare their presentations for the next day. The attorney groups should select a member to present their arguments in the simulation. Nine of the student justices should be selected as presiding justices for the simulation; make sure all groups of justices are represented. If an attorney is visiting the class, he or she may give comments and suggestions to the whole class or circulate among the groups to offer suggestions or answer questions.

5. Moot Court Simulation: On Day Two you may wish to moderate or appoint one of the justices to moderate as the Chief Justice or ask a guest attorney to moderate. Also, appoint a timekeeper. When everyone is ready, the person presiding calls the court to order and proceeds as directed in the student instructions. The Petitioner's team (the State of California) presents first. The timekeeper should interrupt if time limits are exceeded. Time spent answering justices' questions should not be counted against a team's time limit.

Time Needed (Based on a 40 to 50 minute class period):

Petitioner's Argument - 4 to 5 minutes
Questions/Answers - 2 to 3 minutes
Respondent's Argument - 4 to 5 minutes
Questions/Answers - 2 to 3 minutes
Justices' Discussion/Ruling - 4 to 5 minutes
Class Discussion - 20 to 25 minutes

After the presentations, the court recesses. All students will observe this conference, though only the justices may participate. Refer students to the following questions as contained in "The Judgement." When the decision has been rendered, discuss these questions with the class. This also provides an excellent opportunity to involve an attorney in the lesson.

- What were the strongest arguments presented by the attorneys for the State of California? What information or argument would have improved their case?
- What were the strongest arguments presented by the attorneys for Greenwood? What information or argument would have improved their case?
- What were the key questions asked by the justices? What other questions, if any, should they have asked? During their conference, what arguments did they consider? Did they ignore any important arguments?
- Does the justices' decision expand or restrict the exclusionary rule? Why? Do you agree with their decision?

6. Students should be encouraged to consider the fairness of the entire process by which the Supreme Court reaches its decisions.

The claim that it is a fair procedure is supported by the fact that both sides have equal and ample opportunity to present their arguments. Other interested parties can also contribute (through "friend-of-the-court" briefs). The winning opinion is formed by a majority of relatively well-informed judges.

The claim that it is an unfair procedure might be made, based on the fact that laws are, in effect, being produced by only a handful of people.

7. Discussion: Share the actual Supreme Court's decision (excerpts follow) and compare both the judgment and the reasoning underlying it with the class. The Justices decided in favor of California (the Petitioner) and held that the Fourth Amendment's protection against unwarranted search and seizure does not extend to the garbage

Greenwood placed in opaque bags outside his house for collection.

Majority Opinion--Justice White

"...An expectation of privacy does not give rise to Fourth Amendment protection, however, unless society is prepared to accept that expectation as objectively reasonable. Here, we conclude that respondents exposed their garbage to the public sufficiently to defeat their claim to Fourth Amendment protection. It is common knowledge that plastic garbage bags left on or at the side of a public street are readily accessible to animals, children, scavengers, snoops, and other members of the public....Moreover, respondents placed their refuse at the curb for the express purpose of conveying it to a third party, the trash collector, who might himself have sorted through respondents' trash or permitted others, such as the police, to do so. Accordingly, having deposited their garbage in an area...for the express purpose of having strangers take it... respondents could have had no reasonable expectation of privacy in the inculpatory items that they discarded...the police cannot reasonably be expected to avert their eyes from evidence of criminal activity that could have been observed by any member of the public."

Dissenting Opinions--Justices Marshall and Brennan

"In holding that the warrantless search of Greenwood's trash was consistent with the Fourth Amendment, the Court paints a grim picture of our society. It depicts a society in which local authorities may command their citizens to dispose of the personal effects in the manner least protective of the sanctity of the home and privacies of life...society (should be prepared) to recognize as reasonable an individual's expectation of privacy in the most private of personal effects sealed in an opaque container and disposed of in a manner designed to commingle it imminently and inextricably with the trash of others."

8. Follow-up Writing Assignment: Instruct the students to write a short essay supporting or refuting this statement following the instructions given in "Your Opinion."

The Supreme Court made a wise decision in the California v. Greenwood case.

Give each student an identification number to use in order to remain anonymous. Tell the class they are to write a short paper to convince their peers of their position and they will exchange and critique each other's papers during the next class session. The next day, collect and redistribute the papers.

Have the students read the papers. Ask the students to check to see if the paper has all the components using "Student Critique Guidelines."

Redistribute the papers two more times and go through the same process, always collecting the critiques. Return papers and three critiques to the authors. You may have them rewrite their papers based on critiques and/or spend classtime answering questions about critiques.

Search and Seizure Case Briefs

Evidence from a 'Poisoned Tree'

Weeks v. U.S., 232 U.S. 383 (1914): This decision established the exclusionary rule. The Court declared that evidence secured through illegal means, called "ill-gotten gain" by the justices, was tainted and inadmissable in court. Secondly, the justices held that excluding such evidence was the most practical way to prevent police abuse of Fourth Amendment rights against illegal search and seizure.

Exclusionary Rule

Mapp v. Ohio, 367 U.S. 643 (1961): In this decision, the Supreme Court applied the federal restrictions on warrantless searches to the states. Evidence gained through searches and seizures which violated constitutional guarantees are pronounced inadmissable in a state court.

Right to Privacy

Katz v. U.S., 389 U.S. 347 (1967): This decision outlined the definition of a "search" as any

governmental intrusion into something in which a person has a reasonable expectation of privacy, as is the case with real property and personal belongings.

"Open Fields" not covered by Fourth Amendment

Oliver v. U.S., 466 U.S. 170 (1984): Fourth Amendment protections are not extended to "open fields," like those found on Oliver's farm. The Court held the Oliver did not have a reasonable expectation of privacy of his property.

Warrantless Garbage Searches

California v. Greenwood, 484 U.S. 1054 (1988): The Court found that the "reasonable expectation to privacy" was not extended to the sidewalk or street where, in full public view, Greenwood place his garbage. "Having deposited their garbage in an area . . . for the express purpose of having strangers take it . . . respondents could have had no reasonable expectation of privacy in the inculpatory items that they discarded . . . [and] that could have been observed by any member of the public."

Technology and Searches

California v. Ciraolo, 476 U.S. 207 (1986): The Court held that searches from the air by police are legal and valid. It concluded that the Fourth Amendment never protects and individual from observations made from vantage points which are available to any member of the public. "In an age where private and commercial flight in public airways is routine, it is unreasonable . . . to expect that his marijuana plants were constitutionally protected from being observed with the naked eye from the altitude of 1,000 feet."

UNIT V

THE STATE LEGISLATIVE PROCESS: FORMALIZING POLICY THROUGH LAW

Purpose:

The purpose of this lesson is to explore aspects of the legislative process at the state level and its relation to policy making. First, students read a brief introduction describing the problem of teenaged driving under the influence of drugs or alcohol and a hypothetical about a state which has been confronted by the problem. Students then take the role of state legislators, and working in groups, participate in a committee debate on the merits of a proposed law.

Objectives:

As a result of this lesson, students will be able to:

1. Describe the role of legislative committees in making laws.
2. Identify various factors which influence a representative's views including events, media, constituent opinions and personal judgments.
3. Evaluate and modify a bill designed to formalize public policy.
4. State and support a position on a proposed public policy.

Time needed:

Two class periods if the readings are completed during class time; one class period if the readings are assigned as homework.

Resources:

One copy of the student text for each class member.

Procedures:

1. Preparation: In advance of the lesson delivery, have the class read, "Teen Drunk Driving and the State Legislature" in the student text and lead a brief discussion using the questions

provided. Make sure students understand the nature of the problem facing the state legislature and the proposed bill for addressing it.

Assign each student a number 1-5. If preparation for the activity is given as homework, assign each student a corresponding numbered District Profile to read contained in "Representing Your District in Committee." Also instruct each student to prepare for the activity by reading and answering the questions contained in "Developing a Legislative Position."

If the readings are done during class, give students a reasonable time to complete them and then intervene, directing students to work on preparing for role play by reading and answering the questions contained in "Developing a Legislative Position."

Begin the next class session by assembling students in groups consisting of at least one representative for each district. If necessary, a district can be represented by more than one student. Each group must select a chairperson.

2. Committee Hearing Activity: Refer each group to "Committee Action" in the student text and review the steps for completing the activity. As the groups conduct their discussions, circulate around the room. After a reasonable time, direct each chairperson to have the group prepare to report on the committee's action. Then call a member of the group to give a brief report.

3. Debriefing Discussion: When all of the groups have completed their presentations, conclude the activity by asking the following questions:

- From your own personal viewpoint, which is the best version of SB 1499? If you support a version other than the one recommended by your committee, what could you have done differently to ensure one more in line with your views?

- What are your views on the committee process? Is this a good method for deciding policy issues? Why or why not?

- If you were a legislator would you vote the views of your constituents, or follow your views on a proposed policy? What if they were in conflict?

- In some states, through a process called **initiative**, the general public can make its own laws. Proponents circulate a petition about a law they would like to see adopted or changed. If they get enough signatures, the proposal is put on the ballot and the voters decide the issue. Is this more fair or efficient than the legislative process? Why or why not? How might the initiative process effect minority rights or controversial issues?

4. A View From the Capitol: Have students continue in the role of a legislator and write an open letter to the constituents in his or her district describing their views on SB 1499 and explaining how their efforts are serving the district well. The letters, of about 250 words, can be exchanged among students for critique and comment.

UNIT VI

MAKING PUBLIC POLICY WORK: THE COMMUNITY AND THE INDIVIDUAL

Purpose:

This lesson explores ways in which the executive branch of government at the local level makes decisions about spending funds allocated by the legislative body to help implement legislation. The process for deciding often involves a combination of formal and informal political processes. The lesson also explores the role of special interests in the processes of government at the local level and raises questions about what role non-partisan groups should play in this decision-making process. This two-part lesson strategy consists of a simulation in which students take the roles of a mayor's special committee and members of special interest groups proposing programs. Students prepare for their roles and interact in an informal setting (a reception). The mayor meets with a special committee in order to allocate the funds available.

Objectives:

As a result of this lesson, students will:

1. Identify and discuss factors which must be taken into account in distributing government resources for a proposal or program.

2. Evaluate a specific public policy proposal for the prevention of drug abuse.
3. Practice the art of persuasive argument.

Time Needed:

Two to three class periods.

Resources:

1. Enough copies of student materials for the entire class.

2. Outside resource person(s) such as health care officials, representatives of the mayor, city council members, leaders of volunteer organizations, charitable groups.

3. Props for role-play--refreshments, name tags, etc. (Optional)

Procedures:

1. Preparation: List the objectives on the board for the class and review what will happen in the next few days.

Contact the mayor's office in your community and other agencies for information on how monies to fund anti-drug programs are allocated.

With your guidance, have students invite representatives of the community who are knowledgeable about community resources and their distribution to help prepare students for their parts in the simulation and react to their recommendations after the simulation has been completed.

Assign student roles: Mayor and Anti-Drug Advisory Committee (6 to 10); Middleville Human Services (3 to 5); Community Educational Link (3 to 5); Middleville Youth Camp (3 to 5); Middleville Child Development (3 to 5); and Police Effectiveness Plan (3 to 5). For homework ask them to read the "Mayor's Speech," "Proposals for Block Grant Funds," and their group instructions the night before the discussion. They should fill out the effectiveness/value chart in preparation for the discussion. Everyone should have thought about all of the proposals.

The next day either read the mayor's speech or have a student play the mayor. Ask:

- What is the problem?
- How does the mayor plan to solve it?

If outside experts are present, have them discuss what is being done in your own community and/or what they think should be done to help combat the drug problem. Give them a copy of the proposals to discuss with the class. If there are no experts present, briefly review each of the proposals, brainstorming ways in which they would help combat the drug problem.

2. Reception Activity: Assemble students in their groups. Give the groups time to plan their strategy for the reception. Review instructions for role playing in the student material.

The reception should not last for more than twenty minutes. Students should be instructed to talk and listen to two people. It is helpful if students have name tags identifying them with their groups.

3. Anti-Drug Advisory Committee Meeting: Conduct the activity during the next class period using procedures in "Executive Action." Allow the rest of the students to observe the process. The mayor will chair the meeting and should ask for discussion on each of the proposals involving all committee members. The committee should vote on each one and decide on how much money to give if they wish to fund. Plan to spend at least 20 minutes on the process.

When the committee has reached a decision, discuss as a group using the questions in the student material.

4. Writing Assignment: Have the students write a letter to the editor indicating what they think government should do to help stop the drug problem. Develop a strategy for selecting the best and forward them to your local paper.

5. Extra Credit: Have a committee of students contact outside resource persons or groups to discover what student volunteer opportunities there may be within the community agencies. Post these on the board with the name of the organization, address, contact person, phone number, a brief description of what the agency does, and the nature of the volunteer work. Establish a clear policy on how much the student will have to do to get extra credit and what the students will do to verify their work. One suggestion is for students to keep a journal with their observations and/or have an agency supervisor verify their help with a letter.

Constitutional Rights Foundation
601 South Kingsley Drive
Los Angeles, California 90005
(213)487-5590

Constitutional Rights Foundation/Chicago
407 South Dearborn Avenue
Chicago, Illinois 60605
(312) 663-9057